IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 28624 of 2007(G)

PETITIONER:

JALAL RAJ, S/O CHRISTUDAS,
JAYAVILASAM BUNGALOW,
ETTUPARAVILAKAM, MARIAPURAM,
CHENKAL VILLAGE, NEYYATTINKARA,
THIRUVANANTHAPURAM.

BY ADV. SMT.P.A.ANITHA

RESPONDENTS:

1. THE DISTRICT SUPERINTENDENT OF
   POLICE(RURAL), THIRUVANANTHAPURAM.

2. THE CIRCLE INSPECTOR OF POLICE,
   PARASALA POLICE STATION.

3. MOHAN KUMAR,
   ASSISTANT SUB INSPECTOR OF POLICE,
   O/O THE CIRCLE INSPECTOR OF POLICE,
   PARASALA POLICE STATION.

4. SHAJITHA, D/O THILAKOM,
   KIDARAKUZHI VEEDU, VENGADAMP,
   NEYYATTINKARA.

BY GOVERNMENT PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC 28624/07

PETITIONER'S EXHIBITS:

EXT. P1 TRUE COPY OF THE ORDER IN BA 2980/07 DT. 18.5.07

RESPONDENT'S EXHIBITS:

EXT. R2(a) TRUE COPY OF THE COMPLAINT TO THE SUPERINTENDENT OF POLICE, TRIVANDRUM

/TRUE COPY/

K.Balakrishnan Nair &
K.P.Balachandran, JJ.

W.P.(C)No. 28624 of 2007 G

JUDGMENT

Balakrishnan Nair, J.

The petitioner has approached this Court alleging that the third respondent-Assistant Sub Inspector of Police is harassing him at the instance of the fourth respondent, who is none other than his wife.

2. The second respondent-Circle Inspector of Police has filed a statement. According to him, a crime has been registered against the petitioner under Section 498A read with Section 34 IPC. A final report has been filed in the crime, charge sheeting him. Later, the fourth respondent submitted a petition before the Superintendent of Police alleging that though the petitioner is an accused in a criminal case, he is trying to go abroad and thereby trying to flee from justice. It is submitted that the District Superintendent of Police forwarded the said complaint to the local Police Station with a direction to ensure the presence of the accused during trial of the case.

As part of the enquiry into the said complaint, the petitioner was summoned to the Police Station. The same can, in no way, be described as harassment by the police. They are discharging their duty, it is submitted.

3. The complaint of the petitioner is that he, his friends and family members are being unnecessarily summoned to the Police Station. We record the submission of the learned Government Pleader that the police is only investigating into the complaint against the petitioner that he is going abroad, while he is an accused in a criminal case.

The submission is recorded and the writ petition is disposed of.

(K.Balakrishnan Nair, Judge)

14th November, 2007

(K.P.Balachandran, Judge)

tkv